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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,811	11/20/2001	Nick Steele	13906.105006	8011
20786 7590 12/05/2007 KING & SPALDING LLP 1180 PEACHTREE STREET ATLANTA, GA 30309-3521			EXAMINER BAYAT, BRADLEY B	
			ART UNIT 3621	PAPER NUMBER
			MAIL DATE 12/05/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/988,811

Applicant(s)

STEELE ET AL.

Examiner

Bradley B. Bayat

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/4/2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 43-48 and 60-67 is/are pending in the application.
- 4a) Of the above claim(s) 1-8, 43-48 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 60-67 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>4/25/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election of Group II without traverse of claims 60-67 in the reply filed on September 4, 2007 is acknowledged. Claims 1-8 and 43-48 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected group, there being no allowable generic or linking claim. Thus claims 60-67 are presented for examination on the merits.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 4/25/2006 is in compliance with the provisions of 37 CFR 1.97 and therefore considered by the examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 60-67 are rejected under 35 U.S.C. 102(e) as being anticipated by Walker et al. (hereinafter Walker), 2002/0229944 A1.

Walker discloses:

60. (Currently Amended) A computer-implemented method for facilitating transactions via a distributed network, the method comprising the steps of:

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- maintaining an information account in a central data repository that is accessible via the distributed network on behalf of a consumer, the information account comprising a plurality of consumer information elements accessible and modifiable by the consumer (0043-59, central database/source, 0098-102, 141, 203, profile/account information creation and controller/identifier entered and modifiable by user);
- receiving an instruction from the consumer via a thin client device to perform a transaction (0130-143, Fig 4, method performed by a user device);
- interacting with a vendor server to request the transaction on behalf of the consumer, accessing the information account to retrieve a payment identifier and providing the payment identifier to the vendor server to complete the transaction (0064-94, merchant/retailer interaction via identifier 0108-117); and
- receiving an acknowledgment from the vendor server indicating that the transaction has been completed and storing the acknowledgment in the information account (0127-146, criteria met/determine whether transaction satisfied and completed).

61. (Original) The method of claim 60, further comprising the step of receiving consumer preferences for the transaction from the thin client device; and wherein the step of interacting with the vendor server to request the transaction on behalf of the consumer comprises communicating the consumer preferences to the vendor server (0099-108, 133, 162, profile/demographic information).

62. (Original) The method of claim 60, further comprising the step of retrieving consumer

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preferences for the transaction from the information account; and wherein the step of interacting with the vendor server to request the transaction on behalf of the consumer comprises communicating the consumer preferences to the vendor server (0099-108, 133, 162, profile/demographic information).

63. (Original) The method of claim 60, wherein the instruction from the thin client device further comprises authentication information; and wherein the method further comprises the step of authentication the consumer based on the authentication information prior to interacting with the vendor database on behalf of the consumer (0117, 157, authentication or verification of the user).

64. (Original) The method of claim 63, wherein the authentication information comprises consumer authentication information; and wherein the step of authenticating the consumer comprises the step of verifying the consumer authentication information (0117, 157, authentication or verification of the user).

65. (Original) The method of claim 63, wherein the authentication information comprises an equipment identifier that uniquely identifies the thin client device, and wherein the step of authenticating the consumer comprises the step of verifying the equipment identifier (0157, device identifier).

66. (Original) The method of claim 60, wherein the transaction involves a vendor providing a product or service to the consumer (0162, product or service).

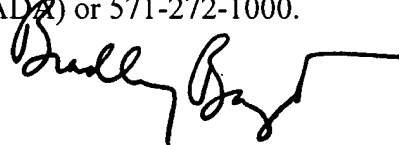
67. (Original) The method of claim 60, wherein the transaction involves receiving at least one data file from the vendor server and storing the data file in the information account (0175, storing information about outcomes generated by the controller).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley B. Bayat whose telephone number is 571-272-6704. The examiner can normally be reached on Tuesday-Friday 8 a.m.-6:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on 571-272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Bradley B. Bayat
Primary Examiner
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